

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH)**

**REGARDING AMENDMENT OF THE 2007 CALIFORNIA PLUMBING CODE (CPC), DPH-08-006
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 5**

Notice is hereby given that CDPH proposes to adopt changes to building standards contained in the CCR, Part 5, Title 24, for organized camps and retail food facilities.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from Friday, May 23, 2008, until 5:00 PM on Monday, July 7, 2008. Comments received after this date will not be considered timely. Please address your comments to:

California Department of Public Health
Office of Regulations and Hearings
1501 Capitol Ave., MS 0507
P.O. Box 997377
Sacramento, CA 95899-7377
Attention: Barbara Gallaway, NC III

Written Comments may also be faxed to (916) 440-7714 or E-mailed to regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-08-006" in the subject line to facilitate timely identification and review of the comment.

Pursuant to Government Code Section 11346.5 (a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CDPH may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CDPH adopts, amends, or repeals the regulations. CDPH will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written comments or request that you be notified of any modifications. Any comments submitted including email or fax transmission, should include the author's name and U.S. Postal Service mailing address in order for CDPH to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The California Department of Public Health proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18897.2, 113707, and 131200. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18897.2, 18897.4, 18897.7, 113705, 113707 and 131200.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 18897.2. Authorizes the director of Health Services to adopt rules and regulations establishing minimum standards for organized camps.

Health and Safety Code Section 18897.4. Every local health officer shall enforce within his jurisdiction the building standards published in the State Building Standards Code relating to organized camps and other rules and regulations adopted by the State Director of Health Services.

Health and Safety Code Section 18897.7. No organized camp shall be operated in this state unless each site or location in which the camp operates complies with the State Building Standards Code and with other rules and

regulations adopted by the State Director of Health Services and State Fire Marshal. Violation constitutes a misdemeanor.

Health and Safety Code Section 113705. The legislature finds and declares that public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities.

Health and Safety Code Section 113707. The department shall adopt regulations to implement retail food safety.

Health and Safety Code Section 131052. State Department of Public Health shall succeed to and be vested with all the duties powers, purposes, functions, responsibilities, and jurisdiction of the former State Department of Health Services as they relate to public health, including the duties described in Sections 18897.2, 18897.4, 18897.1, 113705, and 113707.

Health and Safety Code Section 131200. The department may adopt and enforce regulations for the execution of its duties.

Summary of Existing Regulations

The existing 2007 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2006 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials. Currently, CDPH does not adopt model code standards for PEX water supply piping for applications under its authority.

Summary of Effect

The proposed action would amend Part 5 of Title 24 (2007 California Plumbing Code) by repealing amendments contained in Sections 604.1 and 604.11, which prescribe CDPH's non-adoption of model plumbing code provisions regulating the use of PEX water supply piping. CDPH proposes to adopt CPC Sections 604.1, 604.11, 604.11.1, and 604.11.2 regarding the use of PEX in potable water supply systems.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

The broad objective of the proposed action is to repeal building regulations, in conformance with current state law, and adopt model code standards for applications within the agency's authority.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The California Department of Public Health has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Department of Public Health has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The California Department of Public Health has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The California Department of Public Health has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency [California Department of Public Health] is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The California Department of Public Health has determined that the proposed regulations would affect small business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The California Department of Public Health has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

The expansion of businesses currently doing business with the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The California Department of Public Health has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The California Department of Public Health must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting Jane Taylor, Senior Architect. See contact information below.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request Jane Taylor, Senior Architect. See contact information below.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Jane Taylor, Senior Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
jane.taylor@dgs.ca.gov

Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON
THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn Takeoka, Chief
Environmental Health Services Section
California Department of Public Health
Glenn.Takeoka@cdph.ca.gov
(916) 449-5693
FAX (916) 449-5665

ASSISTIVE SERVICES

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

Upon specific request to Jane Taylor, Senior Architect, this public notice and information upon which the proposed regulations are based will be made available in Braille, large print and audiocassette or computer disk.